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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,756	07/11/2006	Toshimitsu Ohki	OHK13001	4413
23364 7590 02/07/2007 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			EXAMINER SINGH, SUNIL K	
			ART UNIT 3732	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/07/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/551,756 Examiner Sunil K. Singh	OHKI ET AL. Art Unit 3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 July 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 October 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/06/2006 &amp; 12/07/2005</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d)

***Specification***

2. The disclosure is objected to because of the following informalities: On page 1, Line 14, the word "boy" should be "body". On page 6, Lines 11 & 18, the wire holder is given both reference numeral "15" and "16". On page 16, Lines 25-26, both the "wire" and the "wire holder" are given the reference numeral "97".

Appropriate correction is required.

***Claim Objections***

3. Claim 11 is objected to because of the following informalities: The holder is given the reference numeral "136"; however, there are no reference numeral "136" in the drawings. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 12 recites the limitation "wire holder" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 8-12, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanomi et al. (US 5,921,774).

Kanomi et al. discloses a support body for use in orthodontic appliance that includes: an anchor member (11) being fixed in a bone; a screw member (13) engaged to a female screw part (11c); a holder (12,14,15) fixed on the anchor member by tightening of the screw member and detached from the anchor member by loosening the screw; an expansion part (11b) where the screw is tightened in the expansion part (Fig. 2a); the expansion part (11b) is located between the bearing surface (threaded portion) of the screw member and holder (12,14,15); the holder with irregularities having a through hole larger than the maximum outer diameter of the screw member (11) (Fig. 3a,3b) and that is tapered to hardly lose (Fig. 2a). Kanomi et al. further discloses a support body for use in an orthodontic appliance where two or more anchor members are used and connected by the wire holder by means of a band (Fig. 11).

7. Claims 1-6, 8-11, 13-16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutter et al. (US 4,484,570).

Sutter et al. discloses an implant device that is capable of use as an orthodontic appliance that includes: an anchor member (11) being fixed in a bone (1); a screw

member (15) engaged to a female screw part (11f); a holder (3) fixed on the anchor member by tightening of the screw member and detached from the anchor member by loosening the screw; an expansion part (11g) where the screw is tightened in the expansion part (Fig. 2); an expansion part (11g) located between the bearing surface (at 15b in Fig. 6) of the screw member and the holder (3); a holder (3,23) with irregularities having a through hole (23a) larger than the maximum outer diameter of the screw member and that is tapered to hardly lose (Fig. 8-12,17,19); a bearing surface that is tapered (15b in Fig. 6); an expansion part (11g) that is tapered correspondingly to the bearing surface (Figs. 6,11, 12) (Column 5, Lines 46-48); and an expansion part (11g) configured as a tubular part (Fig. 2) with a slit (11h).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutter et al. (US 4,484,570) in view of Sederholm et al. (US 2005/0004679).

Sutter et al. discloses the invention substantially as claimed except for a device having a slit portion where one end of the slit is open, while the other end is provided with a hole having a diameter larger than the width of the slit.

Sederholm et al. teaches a device having a collet (18) with a slit (108) with one end is open and the other end having a hole with a diameter greater than the width of the slit (Fig. 7a, 7d) in order to provide a more flexible collet that can flex outwardly and compress inwardly [0059]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sutter with the type of slit taught by Sederholm in order to provide a more flexible expansion part.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil K. Singh whose telephone number is (571) 272-3460. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris L. Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sunil K Singh  
Examiner  
Art Unit 3732

SKS  
1/23/2007



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